

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09-CR-00152-RJC

USA

v.

NATHANIEL DEVON BAILEY

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for jail credit.
(Doc. No. 101).

In the motion, the defendant requests that the Court order credit for time that he spent in federal custody on a conviction that was subsequently vacated based on United States v. Simmons, 649 F.3d 237 (4th Cir. 2011) (en banc). (Case No. 3:04-cr-196, Doc. No. 54: Order). It is the responsibility of the Attorney General, through the Bureau of Prisons, to compute jail credit. United States v. Stroud, 584 F.3d 159, 160 (4th Cir. 2014) (citing United States v. Wilson, 503 U.S. 329, 334-35 (1992)). If a defendant is not given the sentencing credit he thinks he deserves, his recourse is first to seek an administrative remedy, 28 C.F.R. § 542.10, and after that to file a petition under 28 U.S.C. § 2241 in the district of confinement. Id.

IT IS, THEREFORE, ORDERED, that the defendant's pro se motion to receive jail credit, (Doc. No. 101), is **DENIED**.

Signed: September 25, 2015


Robert J. Conrad, Jr.
United States District Judge

